

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01/13/2010 have been fully considered but they are not persuasive.

2. Applicant argues on pages 5+ of the 01/13/2010 Remarks that Baran (U.S. Patent No. 5,421,030) fails to specifically disclose "providing a call processor that receives a program request initiated by a user via a key-pad device; establishing a communication channel with the key-pad device containing means for initiating a designated function, to generate a command signal indicative of a program desired by the user, said command signal based on a current status of a corresponding television unit and an initiated designated function" as recited in claim 1 and "a system further comprising a storage device for storing data representative of a plurality of programs corresponding to incoming television programs" as recited in claim 16.

In response to the arguments, Examiner respectfully disagrees. Baran discloses providing a call processor that receives a program request initiated by a user via a key-pad device in col. 4, lines 28-46, col. 6, lines 43-48. A program in a broadest reasonable interpretation is any content broadcasted on television, a videotex frame which is broadcasted on a TV set is requested by a TV subscriber using a hand-held TV control device, in return, the requested videotex is selected and transmitted in response to the user's request.

In response to applicant's argument that Baran fails to teach establishing a communication channel with the key-pad device containing means for initiating a

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designated function, to generate a command signal indicative of a program desired by the user, said command signal based on a current status of a corresponding television unit and an initiated designated function, Examiner respectfully disagrees. Baran teaches this limitation in col. 6, lines 43-65, the cited portion describes a means for initiating a designated function ("tune to channel 83"). Preferably the function of tuning the TV set to the selected channel is better accomplished automatically by the inclusion of a TV controller and an infrared diode components within the cordless telephone so as to directly command TV to tune to the selected channel by means of the TV set's normal remote control infrared link. Each video display generator can be connected to hundreds of different videotex sources (e.g. airline flight schedules, weather channels etc.) that the user may wish to see (i.e. current status). The request would be sent downstream to the TV set on a TV channel assigned to a particular VDG. The selected VDG relays the TV channel assignment to the packetized cordless telephone. The output could be a voice command such as "tune to channel 83".

In response to applicant's argument that Baran and Peters are nonanalogous art/incompatible, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both references are directed toward providing interactive video services using a telephone.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15, 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Baran (U.S. Patent No. 5,421,030).

Regarding **claim 1**, Baran discloses a method for managing a plurality of programs, the method comprising the steps of:

providing a call processor that receives a program request initiated by a user via a key-pad device (col. 4, lines 28-46, col. 6, lines 43-48. A program in a broadest reasonable interpretation is any content broadcasted on television, a videotex frame which is broadcasted on a TV set is requested by a TV subscriber using a hand-held TV control device, in return, the requested videotex is selected and transmitted in response to the user's request),

establishing a communication channel with the key-pad device containing means for initiating a designated function, to generate a command signal indicative of a program desired by the user, said command signal based a current status of a corresponding television unit and an initiated designated function (col. 6, lines 43-65, the cited portion describes a means for initiating a designated function ("tune to channel 83"). Preferably the function of tuning the TV set to the selected channel is better accomplished automatically by the inclusion of a TV controller and an infrared diode

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components within the cordless telephone so as to directly command TV to tune to the selected channel by means of the TV set's normal remote control infrared link. Each video display generator can be connected to hundreds of different videotex sources (e.g. airline flight schedules, weather channels etc.) that the user may wish to see (i.e. current status). The request would be sent downstream to the TV set on a TV channel assigned to a particular VDG. The selected VDG relays the TV channel assignment to the packetized cordless telephone. The output could be a voice command such as "tune to channel 83");

establishing a separate second communication channel with a television unit (see col. 12, lines 62-67); and

transmitting, in response to the command signal to said television unit a control signal to control said television unit to display the program desired by the user (see col. 12, lines 50-67, col. 18, lines 18-45).

Regarding **claim 9**, Baran discloses a system for managing a plurality of programs, comprising:

an input device having a key pad, having means for initiating a designated function for transmitting a program request by a user, via a first communication channel said program request being based on an initiated designated function and on a current status of a corresponding receiver system (col. 4, lines 28-46, col. 6, lines 43-48. A program in a broadest reasonable interpretation is any content broadcasted on television, a videotex frame which is broadcasted on a TV set is requested by a TV

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subscriber using a hand-held TV control device, in return, the requested videotex is selected and transmitted in response to the user's request), and

a controller for generating a command signal indicative of a program selected by the user interactively and transmitting the command signal to said receiver for display, via a second communication channel (see col. 12, lines 50-67, col. 18, lines 18-45).

Regarding **claim 19**, Baran discloses a system for managing a plurality of programs, comprising:

a memory for storing a computer-readable code (see fig. 12 (306 or 308)) and a processor operatively coupled to said memory (see fig. 12 (304)), said processor configured to:

receive a program request initiated by a user via a key-pad device said key pad having means for initiating a designated function (col. 4, lines 28-46, col. 6, lines 43-48.

A program in a broadest reasonable interpretation is any content broadcasted on television, a videotex frame which is broadcasted on a TV set is requested by a TV subscriber using a hand-held TV control device, in return, the requested videotex is selected and transmitted in response to the user's request);

establish a communication channel with the key-pad device to generate a command signal reflective of a program desired by the user interactively, said command signal based on said initiated designated function and a current state of a display device (col. 6, lines 43-65, the cited portion describes a means for initiating a designated function ("tune to channel 83"). Preferably the function of tuning the TV set to the

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selected channel is better accomplished automatically by the inclusion of a TV controller and an infrared diode components within the cordless telephone so as to directly command TV to tune to the selected channel by means of the TV set's normal remote control infrared link. Each video display generator can be connected to hundreds of different videotex sources (e.g. airline flight schedules, weather channels etc.) that the user may wish to see (i.e. current status). The request would be sent downstream to the TV set on a TV channel assigned to a particular VDG. The selected VDG relays the TV channel assignment to the packetized cordless telephone. The output could be a voice command such as "tune to channel 83"); and

transmit the command signal, via a second communication channel, to the display unit for displaying the program desired by the user (see col. 12, lines 50-67, col. 18, lines 18-45).

Regarding **claims 2, 13 and 20**, Baran discloses everything claimed as applied above (see *claims 1, 9 and 19*). Baran discloses the method further comprising the step of authenticating the user upon the establishment of the communication channel (see col. 10, lines 40-66).

Regarding **claim 3**, Baran discloses everything claimed as applied above (see *claim 1*). Baran discloses the method wherein the command signal comprises a signal to store a particular program in a storage medium (see col. 13, lines 36-58).

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Regarding **claims 4, 17 and 21**, Baran discloses everything claimed as applied above (see *claims 1, 9 and 19*). Baran discloses the method wherein the plurality of programs includes at least one of a television network, Internet network, wireless network (see col. 18, lines 44-54, wireless LANs), and wired network (see col. 18, lines 44-54, hardwired devices), or a combination thereof.

Regarding **claim 5**, Baran discloses everything claimed as applied above (see *claim 1*). Baran discloses the method wherein the communication channel is established by a phone-line connection (see col. 4, lines 51-63, col. 6, lines 43-65, col. 18, lines 18-43).

Regarding **claim 6**, Baran discloses everything claimed as applied above (see *claim 1*). Baran discloses the method wherein the communication channel is established by wireless connection (see col. 18, lines 44-54, wireless LANs).

Regarding **claim 7**, Baran discloses everything claimed as applied above (see *claim 1*). Baran discloses the method wherein the display of the program is provided interactively in response to said user's input (see col. 11, lines 13-25).

Regarding **claims 8 and 18**, Baran discloses everything claimed as applied above (see *claims 1 and 9*). Baran discloses the method wherein the display of the

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program is provided interactively in response to said user's voice input (see col. 5, lines 62-col. 6, line 22).

Regarding **claim 10**, Baran discloses everything claimed as applied above (see *claim 9*). Baran discloses the system wherein the controller further provides a program list selectable by the user (see col. 11, lines 13-25).

Regarding **claim 11**, Baran discloses everything claimed as applied above (see *claim 9*). Baran discloses the system further comprising a display device for displaying the program selected by the user (see col. 12, lines 51-67).

Regarding **claim 12**, Baran discloses everything claimed as applied above (see *claim 9*). Baran discloses the system wherein the display device is configured to receive incoming television programs (see col. 12, lines 51-67).

Regarding **claim 14**, Baran discloses everything claimed as applied above (see *claim 9*). Baran discloses the system wherein the input device comprises a plurality key buttons to selectively transmit the command signal (see fig. 9a-9c, col. 11, lines 13-25).

Regarding **claim 15**, Baran discloses everything claimed as applied above (see *claim 9*). Baran discloses the system wherein the receiver is a television unit (see fig 10 (39), col. 11, lines 26-42).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baran (U.S. Patent No. 5,421,030) as applied to claim 9 above, and further in view of Peters et al. (U.S. Patent No. 5,812,778).

Regarding **claim 16**, Baran discloses everything claimed as applied above (see *claim 9*). However, Baran is silent on a system further comprising a storage device for storing data representative of a plurality of programs corresponding to incoming television programs.

In an analogous art, Peters et al. discloses the system further comprising a storage device for storing data representative of a plurality of programs corresponding to incoming television programs (see col. 3, lines 9-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system and method of Baran to include a storage device for storing data representative of a plurality of programs corresponding to incoming television programs as taught by Peters et al. for the advantage of allowing the user to change their alternative stream/content preference during the course of the broadcast.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna Ekpo/
Patent Examiner, Art Unit 2425
April 16, 2010.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425